



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

REPLY TO
ATTENTION OF

CECW-MVD

MAR 20 2009

MEMORANDUM FOR COMMANDER, Mississippi Valley Division (CEMVD-PD)

SUBJECT: Implementation Guidance for Section 7012 of the Water Resources Development Act of 2007 (WRDA 2007) – NEW ORLEANS AND VICINITY, LOUISIANA.

1. Section 7012(a) authorizes the Secretary to (1) raise levee heights where necessary and otherwise enhance the Lake Pontchartrain and Vicinity and the West Bank and Vicinity projects to provide the level of protection necessary to achieve certification required for a 100-year level of flood protection; (2) modify the 17th Street, Orleans Avenue, and London Avenue drainage canals in the city of New Orleans and install pumps and closure structures at or near the lakefront at Lake Pontchartrain; (3) armor critical elements of the New Orleans hurricane and storm damage reduction system; (4) modify the Inner Harbor Canal to increase the reliability of the flood protection system for the city of New Orleans; (5) replace or modify certain non-Federal levees in Plaquemines Parish; (6) reinforce or replace flood walls in the existing Lake Pontchartrain and West Bank and Vicinity projects; (7) perform one time stormproofing of interior pump stations to ensure operability during hurricanes, storms, and high water events; (8) repair, replace, modify, and improve non-Federal levees and associated protection measures in Terrebonne Parish; and (9) reduce the risk of storm damages to the greater New Orleans metropolitan area by restoring the surrounding wetlands and through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations.

Section 7012(b) specifies that activities authorized by subsection 7012(a) and Section 7013 shall be carried out in a manner that is consistent with the cost sharing requirements specified in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234). Finally, Section 7012(c) provides that the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate if the estimates for the expenditure of funds on any single project or activity identified in subsection 7012(a) exceeds the amount included in Public Law 109-234 for that project or activity by 25 percent and that no appropriation in excess of 25 percent above the amount specified in WRDA 2007 for that project or activity may be made until an increase in the level of expenditure has been approved by resolutions adopted by those two Committees. The complete text of Section 7012 is provided as an enclosure.

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2. The activities identified in Section 7012(a) were separately authorized and funded in Public Law 109-234 and the Supplemental Appropriations Act of 2008 (Public Law 110-252). The implementation plans for these activities are set out in the approved Video Teleconference (VTC) fact sheets developed to address appropriations received in the Public Law 109-234. The New Orleans District and Task Force Hope should continue to proceed consistent with the approved guidance contained in these VTC fact sheets.

3. Cost sharing for activities identified in Section 7012(a) will follow the requirements set forth for those activities in Public Law 109-234 and Public Law 109-252. For the activities identified in Section 7012(a)(1) that are funded with appropriations provided in Public Law 109-234, the cost sharing shall be consistent with the cost sharing provisions under which the projects were originally constructed. To the extent that those activities identified in Section 7012(a)(1) are funded with appropriations provided in Public Law 110-252, construction shall be cost shared 65 percent Federal and 35 percent non-Federal. In accordance with Public Law 109-234 and Public Law 110-252, activities identified in Section 7012(a) (2) through (9) shall be constructed at full Federal expense. Cost sharing requirements for work undertaken pursuant to Section 7013 will be addressed in implementation guidance prepared for Section 7013.

4. Because Congress provided funds in Public Law 110-252 for activities identified in Section 7012(a) (1) through (7), the Secretary will report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate regarding activities identified in Section 7012 (a) (8) and (9). If the estimate for expenditure of funds for an activity identified in Section 7012 (a) (8) or (9) will exceed the amount specified in Public Law 109-234 for that activity by 25 percent, appropriate notification letters will be submitted by the MVD-RIT to the Secretary for coordination with the Committees.

FOR THE COMMANDER:

Encl


THEODORE A. BROWN, P.E.
Chief, MVD Regional Integration Team
Directorate of Civil Works

WRDA 2007 SEC. 7012. NEW ORLEANS AND VICINITY.

(a) IN GENERAL.—The Secretary is authorized to—

- (1)** raise levee heights where necessary and otherwise enhance the Lake Pontchartrain and Vicinity project and the West Bank and Vicinity project to provide the level of protection necessary to achieve the certification required for a 100-year level of flood protection in accordance with the national flood insurance program under the base flood elevations current at the time of construction of the levee;
- (2)** modify the 17th Street, Orleans Avenue, and London Avenue drainage canals in the city of New Orleans and install pumps and closure structures at or near the lakefront at Lake Pontchartrain;
- (3)** armor critical elements of the New Orleans hurricane and storm damage reduction system;
- (4)** modify the Inner Harbor Navigation Canal to increase the reliability of the flood protection system for the city of New Orleans;
- (5)** replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the New Orleans to Venice Hurricane Protection project;
- (6)** reinforce or replace flood walls in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve performance of the flood and storm damage reduction systems;
- (7)** perform one time stormproofing of interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events;
- (8)** repair, replace, modify and improve non-Federal levees and associated protection measures in Terrebonne Parish; and
- (9)** reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations.

(b) COST SHARING.—Activities authorized by subsection (a) and section 7013 shall be carried out in a manner that is consistent with the cost-sharing requirements specified in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

(c) CONDITIONS.—The Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate if estimates for the expenditure of funds on any single project or activity identified in subsection (a) exceeds the amount specified for that project or activity in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006. No appropriation in excess of 25 percent above the amount specified for a project or activity in such Act may be made until an increase in the level of expenditure has been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.